

SEP 28 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANNA ABGARYAN,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-73713

Agency No. A097-873-080

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted September 14, 2009<sup>\*\*</sup>

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Anna Abgaryan, a native and citizen of Armenia, petitions for review of Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's ("IJ") decision denying her application for asylum and

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

withholding of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence, *Zehatye v. Gonzales*, 453 F.3d 1182, 1184-85 (9th Cir 2006), and we deny in part and dismiss in part the petition for review.

Substantial evidence supports the BIA's adverse credibility determination based on the inconsistencies in Abgaryan's testimony, and between her testimony and declaration, concerning whether she received a death threat during her 2001 detention. *See Chebchoub v. INS*, 257 F.3d 1038, 1043 (9th Cir. 2001).

Accordingly, Abgaryan's asylum and withholding of removal claims fail.

We lack jurisdiction to consider Abgaryan's contention that the IJ demonstrated bias because she failed to exhaust this contention before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**